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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,433	07/31/2003	William Andrew Decanio	HI02001USU1 (P01018USU1)	2856
7590 Jennifer H. Hammond The Eclipse Group 10453 Raintree Lane Northridge, CA 91326			EXAMINER CHAN, KO HUNG	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,433

Applicant(s)

DECANIO ET AL.

Examiner

Korie H. Chan

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5-14,17-23 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) 27-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5-14,17-23,25,26 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

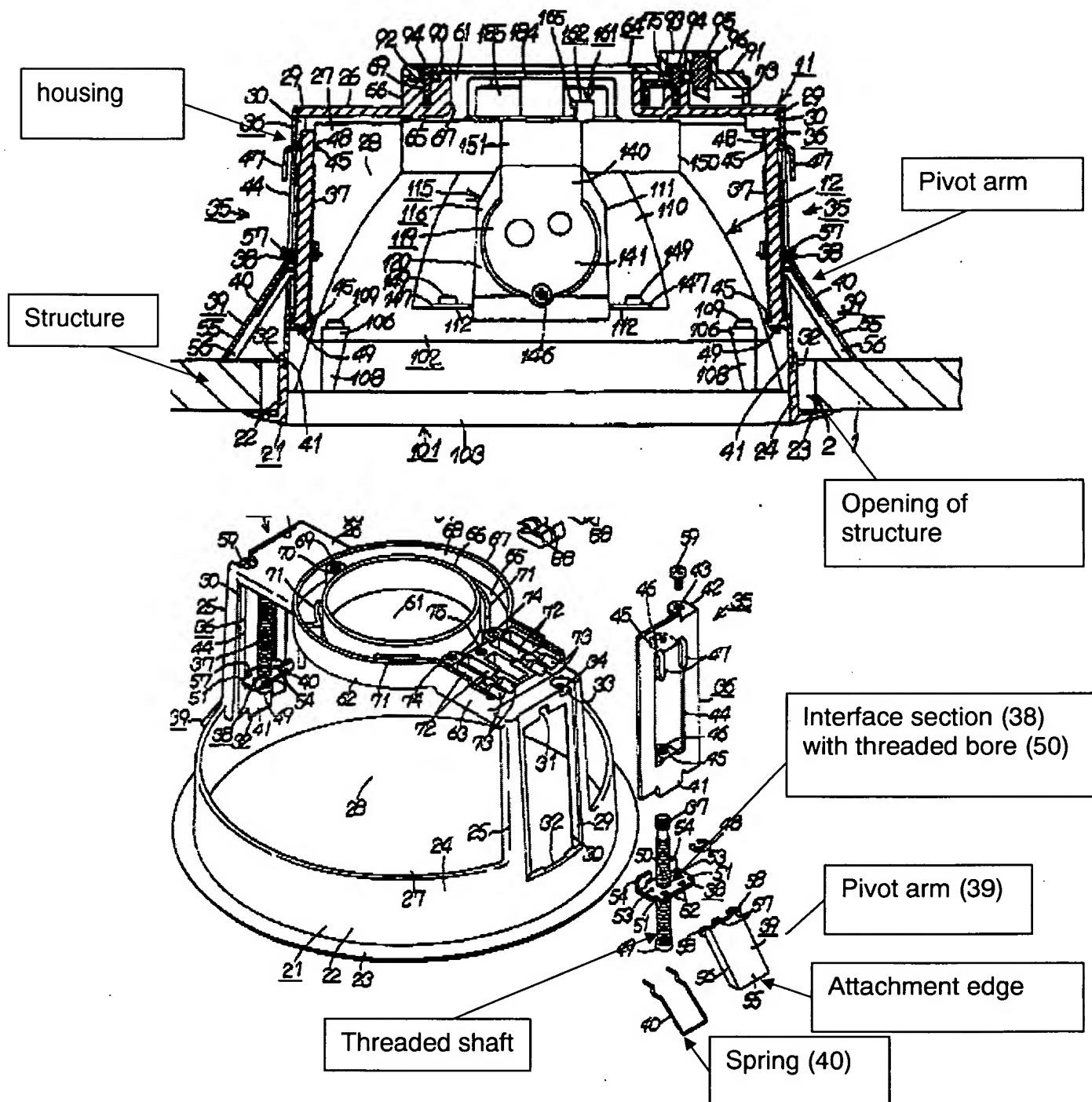
A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/2007 has been entered.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 3, 5-14, 17-23, 25-26, and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US patent no. 6,132,069) in view of Tchilinguirian (US patent no. 6,588,543). Sato discloses a mounting mechanism having all the claimed features of applicant's invention as illustrated below.



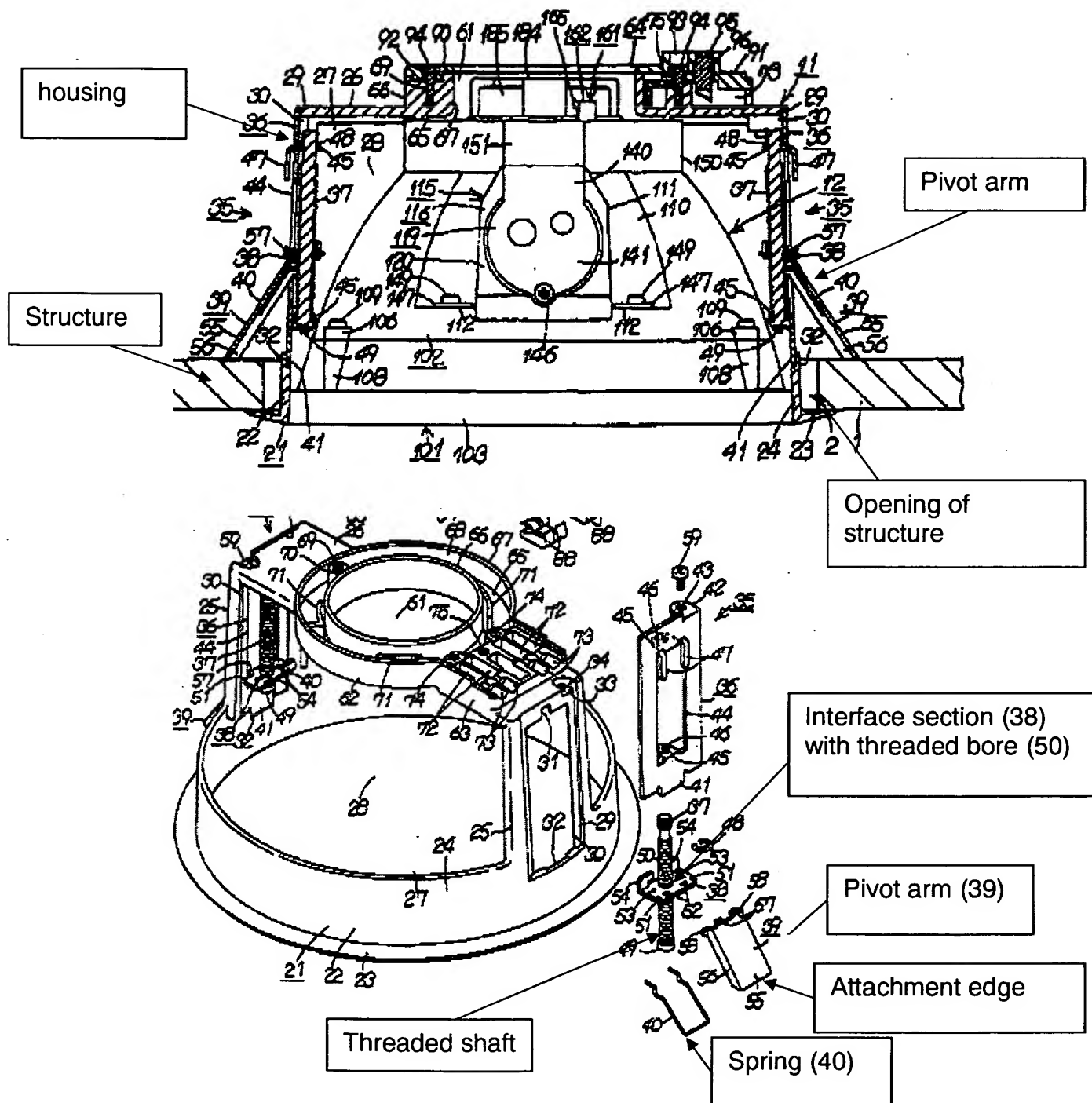
However, Sato does not disclosed the housing is part of a speaker to support a speaker system and wherein the arm as having an attachment edge with toothed attachment surface. Tchilinguirian teaches that mounting brackets for speakers, lights

are well-known in the art and are in the same mounting environment. These prior art mounting brackets are sometimes custom fabricated to make them fit into ceilings and walls of a building structure into which the devices are to be installed (Col. 1, paragraph 2). Furthermore, Tchilinguirian teaches that the mount for speakers (12) can be modified into different configurations for retaining and securing lights, alarms, sensors or other flush mounted equipment not shown (col. 4, lines 42-49). Tchilinguirian further discloses that mounting of a speaker system (that may be round, figure 9) where a speaker housing (48) having mounting structure with arm member (42) having toothed attachment surface (figure 4). It would have been obvious to one of ordinary skill in the art to have modify the system of Sato to mount a speaker system as mounting for speakers can be modified to mount lightings or vice versa as taught by Tchilinguirian. Further it would have been obvious to one of ordinary skill in the art to modify the attachment edge of Sato's arm such that it is toothed for the well-known advantage of digging into the structure for firm attachment as taught by Tchilinguirian .

Claims 3, 5-14, 17-23, 25-26, and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tchilinguirian (US patent no. 6,588,543) in view of Sato et al (US patent no. 6,132,069). Tchilinguirian discloses a loudspeaker system (figures 8 and 9) comprising: a loudspeaker (not shown); a speaker housing (114, figure 9) adapted for insertion into an opening of a structure along a mounting direction; a mounting assembly (114) for mounting the loudspeaker housing in the opening; a mounting mechanism (36, figure 4) coupled to the housing and including an arm member (36, figure 3) pivotable between a first position and a second position, where at the first

position (the not circled mechanism 30 is in premounting position, figure 2) the arm member enables insertion of the loudspeaker housing in the opening, and at the second position (the circled portion of 30, figure 2 and 3) the arm member (36) extends generally away from the loudspeaker housing into engagement with a surface of the structure defining the opening; a spring mechanism (44) connected to the arm member for biasing the arm member toward the second position; and a shaft (60, figure 6) interconnecting the mounting mechanism and the housing, whereby the arm member (36) of the mounting mechanism is pivotal between the first position and the second position independent of any movement of the shaft; where the mounting mechanism (36) is movably coupled to the shaft (60) for adjusting position of the arm member relative to the speaker housing along the mounting direction.

However, Tchilinguirian does not disclose the ceiling mounting arrangements as claimed. Sato discloses a ceiling mounting arrangement having mounting mechanism with all the claimed features of applicant's invention as illustrated below.



It would have been obvious to one of ordinary skill in the art to have modified the ceiling mounting arrangement of Tchilinguirian with the ceiling mounting arrangement of Sato. Such modification would have involved a mere substitution of one well-known

ceiling mounting arrangement for another which is well within the ambit of one of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 9/5/2007 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is some teaching, suggestion, or motivation to do so found in the references themselves. Sato discloses a mounting bracket fabricated to fit into ceilings. Tchilinguirian specifically groups mounting brackets for speakers, lights, alarms and sensors as typically mounting brackets that are custom fabricated to make them fit into ceilings and walls of a building structure into which the devices are to be installed (Col. 1, paragraph 2). Furthermore, Tchilinguirian teaches that his mounting bracket for speakers (12) can be modified into different configurations for retaining and securing lights, alarms, sensors or other flush mounted equipment not shown (col. 4, lines 42-49). Consequently, Tchilinguirian has demonstrated that these mounting brackets can adapted to mounting any of such fixtures as speakers, lights, alarms and sensors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/
Korie H. Chan, Primary Examiner
Art Unit 3632

Khc
Jan 2, 2007